

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**RODNEY DSHANE MAYO**

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**CRIMINAL NO. 4:11-CR-248-ALM-CAN**

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the Government's request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on June 8, 2021, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by Ernest Gonzalez.

On September 23, 2014, United States District Judge Richard A. Schell sentenced Defendant to a term of eighty-four (84) months' imprisonment, followed by five (5) years of supervised release. On January 28, 2020, this case was reassigned to United States District Judge Amos L. Mazzant, III.

On May 20, 2021, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 1569). The Petition asserts Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall refrain from any unlawful use of a controlled substance; (3) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; (4) Defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless

granted permission to do so by the Probation Officer; and (5) Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the Probation Officer, until such time as the Defendant is released from the program by the Probation Officer.

The Petition asserts that Defendant violated these conditions because (1) on March 3, 2021, Defendant was issued a citation for Failure to Maintain Financial Responsibility (No Insurance) from the Princeton, Texas Police Department; (2) on October 16, 2020, Defendant admitted verbally and in writing to using methamphetamine on October 13, 2020; (3) Defendant's urine samples for October 31, 2020, and January 13 and March 25, 2021, tested positive for controlled substances, such as methamphetamine and cocaine; (4) on October 31, 2020, the Collin County, Texas, Sheriff's Department responded to a domestic disturbance call and discovered Defendant was in the company of convicted felons; and (5) Defendant failed to call a notification line on October 14, 2020 as part of a drug testing program and failed to report for drug testing on October 17, 2020, April 14 and 17, and May 5 and 6, 2021.

On June 8, 2021, the Court conducted a final revocation hearing on the Petition. Defendant entered a plea of true to allegations 2 and 3. *See* Dkt. 1577. Defendant also consented to revocation of his supervised release and waived his right to object to the proposed findings and recommendations of the United States Magistrate Judge. The Court finds that Defendant has violated the terms of his supervised release, and thus, his supervised release should be revoked.

### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, and having considered the arguments presented at the June 8, 2021 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of eighteen (18) months, followed by twenty-four (24) months of supervised with the same conditions of release previously imposed.

The Court further recommends Defendant be committed to the United States Penitentiary in Beaumont, Texas, if appropriate.

**So ORDERED and SIGNED this 9th day of June, 2021.**

A handwritten signature in black ink, appearing to read 'KLPJ', is written over a horizontal line.

KIMBERLY C. PRIEST JOHNSON  
UNITED STATES MAGISTRATE JUDGE